



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
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Division Director

355 West North Temple
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Salt Lake City, Utah 84180-1203
801-538-5340

June 17, 1992

CERTIFIED RETURN RECEIPT P 074 978 841

Mr. John Brown
578 Huntridge
Moab, Utah 84532

Dear Mr. Brown:

Re: **Notice of Non-Compliance, Windfall Mine, M/037/010, San Juan County, Utah**

This letter is sent to notify you, that your mining operation, or portions thereof, is not in compliance with certain sections of the Utah Mined Land Reclamation Act 40-8-1 et seq and the Minerals Reclamation Program Rules R647-1 through R647-5.

Finding of Non-Compliance

Specifically, you have failed to file a Notice of Intention to commence mining operations, as required by the Utah Mined Land Reclamation Act, Title 40-8-13(1)(a), and section R647-3-101.1 of the Minerals Rules.

An inspection was conducted pursuant to Utah Code Annotated 40-8-1 et seq, at the Windfall mine on May 12, 1992, by Holland Shepherd, of our Minerals Staff. During inspection of the site, it was found that recent mining activity had taken place (presumably within the last two years). The site was under reclamation, having been reclaimed by Atlas Minerals in 1988.

You may also be in violation of section 40-8-9 of the Mined Land Reclamation Act, which addresses willful and knowing violation of the Act. No Notice of Intention to Mine was ever received by the Division or the Bureau of Land Management.

Location of Non-Compliance

The specific location of the non-compliance is in the NE 1/4, SW 1/4 of Sec. 25 of T31S, R24E, San Juan County, Utah.

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Nick Murphy
M/037/070
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Mitigation Requirements

You must cease operations immediately, and reclaim the site or submit a complete and technically adequate Notice of Intention to conduct mining operations. You must contact the Division immediately concerning development of a reclamation plan for the site. Reclamation must be completed no later than October 30, 1992, unless the mining operation is permitted.

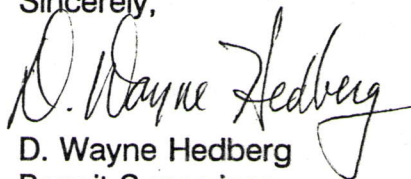
Because the total disturbance on the property is less than five acres, it qualifies as a small mining operation. If you want to continue mining, a Small Mining Operation Notice of Intention (application enclosed) must be completed and returned to this office within ten (10) calendar days of your receipt of this letter. You cannot resume mining operations until the Division determines the Notice of Intent to be complete and adequate. You should recognize that conduct of a mining operation with 5 acres or less disturbance includes a statutory obligation to reclaim.

Consequences of Continued Non-Compliance

Failure to comply with these requirements within the time frame as set forth in this Notice, will result in a issuance of a formal hearing before the Board of Oil, Gas and Mining. The Board, after notice and hearing, pursuant to rule and statute, may enter an Order requiring abatement, and the assessment of civil penalties not to exceed \$10,000 dollars a day for each violation.

Please contact me or Holland Shepherd immediately to resolve this non-compliance problem.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb

Enclosure

cc: Bob Turri, San Juan Resource Area, BLM
Lowell Braxton, DOGM
Tom Mitchell, Assistant Attorney General
S037010.non